

### **REMARKS**

With entry of this amendment, Claims 1, 2, 4-18, 20-23 and 25-29 are pending. Claims 1, 4-6, 8-9, 11, 18, 20-22, 25, and 27 have been amended. Claims 3, 19 and 24 have been canceled. No new matter has been added by these amendments.

#### **35 U.S.C. §112**

Claims 1-29 are rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. The Office Action objects to the use of the phrase “wherein the polymer is not a superplasticizer.” Claims 1, 18 and 22 have been amended to remove this phrase rendering the rejection moot. The Examiner is respectfully requested to withdraw this rejection.

#### **35 U.S.C. §103**

Claims 1-29 are rejected under 35 U.S.C. §103(a) over Allen, U.S. Patent No. 5,551,976. The Office Action states that Allen discloses a method for the disposal of radioactive waste comprising: admixing a polymer with the waste material to encapsulate the waste within the polymer, wherein the polymer prevents radiation from passing through, further mixing the polymer-waste admixture with a shielding material wherein the polymer-waste mixture is incorporated within the shielding material, and forming the final mixture into solidified, round geometric shapes. Applicants traverse this rejection.

Allen discloses a super-plasticizer concrete composition for waste disposal. Super plasticizers enhance the compaction of difficult to compact cement/filler mixtures. (Allen, column 8, line 59 to column 9, line 5). Allen defines “difficult to compact cement/filler mixtures” as aqueous-solids mixture containing total solid particles comprising

70 weight percent of cement, with the balance being other solids of a cementitious and/or non-cementitious nature having an average cross-sectional dimension of at least 1 micron, that when thoroughly mixed with water comprising 38 weight percent of the degassed, resultant slurry devoid of superplasticizer and allowed to settle prior to set under an ordinary gravitational force do not settle to the extent that they occupy a volume which is less than 90 volume percent of the original, degassed cementitious slurry volume. (Allen, column 9, line 60 to column 9, line 7). The superplasticizer is usually a concrete superplasticized "containing at least one polymeric component or condensate selected from the group consisting of naphthalenes, melamines, sulfonated naphthalenes and melamines, and ligonsulfonates, in the form of salts, polymeric salts, and other water-soluble or water-dispersible forms." (Allen, column 6, lines 35-40).

The chemical additives of the present invention, mineral oil, charcoal, activated carbon, silicates and sulfur, are not superplasticizers. Claims 1, 18 and 22 have been amended to facilitate prosecution to include the chemical additives of the present invention. Theses chemical additives are not disclosed, taught or suggested by Allen. The Examiner is requested to withdraw this rejection.

Applicants respectfully submit that this is a complete response to the Office Action dated July 11, 2003 and that Claims 1, 2, 4-18, 20-23 and 25-29 are patentable. Early and favorable consideration is earnestly solicited. If the Examiner believes there are other issues that can be resolved by telephone interview, or that there are any informalities remaining in the

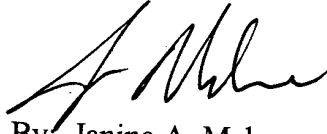
Application No. 09/464,253  
Amendment dated October 10, 2003  
Reply to Office action dated July 11, 2003

---

application which may be corrected by Examiner's Amendment, a telephone call to the undersigned attorney at (404) 815-6500 is respectfully solicited.

Respectfully submitted,

KILPATRICK STOCKTON, LLP



By: Janina A. Malone

Reg. No.: 47,768

KILPATRICK STOCKTON LLP  
1100 Peachtree Street, Suite 2800  
Atlanta, Georgia 30309-4530  
(404) 815-6500  
Docket: 44861/236277 (16715-0121)